



UNITED STATES PATENT AND TRADEMARK OFFICE

M/

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,155	06/19/2003	Victor C. Talavera	2788-CIP	8981
7590	09/07/2004		EXAMINER	
DONN K. HARMS Suite 100 12792 Via Cortina Del Mar, CA 92014			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/600,155	TALAVERA, VICTOR C.
	Examiner	Art Unit
	Hwei-Siu C. Payer	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 17-23 and 25-30 is/are rejected.
- 7) Claim(s) 1-16, 24, 31 and 32 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Detailed Action

Objection to the Specification

The disclosure is objected to because of the following informalities:

- (1) On page 4, line 22, the U.S. patent to Queen is misidentified as "5,026,088".

The correct Patent No. is 3,115,143.

- (2) On page 16, line 5, "with the with the" should simply read --with the--.
- (3) On page 27, lines 12-13, reference numerals "50, 38,35" are not found in figure 7.

Appropriate correction is required.

Claims Objection

Claims 1-32 are objected to because of the following informalities:

- (1) In claim 1, line 22, "retainer cavity" should read --said retainer cavity-- since it refers to the one previously cited.
- (2) In claim 2, line 5, "said cutting head" should read --said cutting head assembly-- (note line 6 of claim 1).
- (3) In claims 5-8, line 3, "said rearwall" should read --said rear wall-- (note line 8 of claim 1).
- (4) In claims 9-11, line 7, "said user" should read --a user--.

(5) In claims 9-11, lines 7-8, "said distal end" should read --said distal ends-- (note line 1 of claim 1).

(6) In claims 9-11, line 8, "said hair strand" should read --said hair strands-- (note line 24 of claim 1).

(7) In claim 23, lines 23 and 25-26, "said hair strands" should simply read --said hair-- (note line 2 of the claim).

(8) In claim 24, line 5, "said cutting head" should read --said cutting head assembly-- (note line 6 of claim 23).

(9) In claims 25-26, lines 9 and 10, "said hairs" should read --said hair-- (note 2 of claim 23).

(10) In claim 31, line 6, "said serpentine pathway" should read --said serpentine path-- (note line 22 of claim 1).

(11) In claim 32, line 6, "said serpentine pathway" should read --said serpentine path-- (note line 20 of claim 23).

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-23 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claims 17-22, lines 5-6, "a first side edge" is vague. A first side edge of what?

(2) In claims 17-22, lines 6-7, "a second side edge" is vague. A second side edge of what?

(3) In claim 23, line 8, "said retainer cavities" has no antecedent basis. The phrase should simply read --retainer cavities--.

(4) In claim 23, lines 11, 24-25 and 26, "said interior cavity" lacks antecedent basis.

(5) In claim 23, line 12, "said elongated hair retainer" has no antecedent basis. The phrase should read --an elongated hair retainer--.

(6) In claim 23, line 20, "said serpentine path" lacks clear antecedent basis. The phrase should read --a serpentine path--.

(7) In claims 25-26, line 3, "said sidewall" has no antecedent basis.

(8) In claims 25-26, lines 9-10, "said portions" lacks clear antecedent basis.

(9) In claims 27-30, line 3, "said rearwall" and "said interior cavity" have no antecedent basis.

Indication of Allowable Subject Matter

1. Claims 1-16, 24 and 31-32 would be allowable if rewritten to overcome the objection as set forth.
2. Claims 17-23 and 25-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Remarks

Page 1 of the specification should be amended to update the continuation-in-part information (i.e. now U.S. Patent No. 6,588,108).

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 703-746-3293 for proposed amendments.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

H Payer
September 2, 2004

HS Payer

Hiwei-Siu Payer
Primary Examiner